

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 10-10441-GAO

IN RE: COMPLAINT OF TOWN OF CHATHAM, PETITIONER, AS OWNER OF THE 24-
FOOT BOSTON WHALER, JUSTICE (HULL ID US-BWCLA180G798), FOR
EXONERATION FROM OR LIMITATION OF LIABILITY

ORDER APPROVING STIPULATION OF VALUE, DIRECTING ISSUANCE OF NOTICE
AND RESTRAINING SUITS

June 11, 2010

O'TOOLE, D.J.

A Petition having been filed herein on March 16, 2010 by the above named Petitioner, as owner of the 1998 Boston Whaler, named JUSTICE (Hull ID US-BWCLA180G798), for Exoneration and/or Limitation of Liability, pursuant to the Limitation of Liability Act, 46 U.S.C. §§ 30501 *et seq.*, the various statutes that have supplemented this Act, and Rule F of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure for any loss, damage or injury caused by or resulting from the voyage of JUSTICE (Hull ID US-BWCLA180G798), events involving JUSTICE at an area known as Lighthouse Beach, in Chatham, Massachusetts and/or the death of Thomas McDonald, which events occurred on August 31, 2008, as is more fully described in the Petition.

AND the Petitioner having stated that the value of Petitioner's interest in the said JUSTICE (Hull ID US-BWCLA180G798) and its pending freight at the end of such voyage is Thirty-Five Thousand Four Hundred and Eighty-Four (\$ 35,484.00) Dollars as set forth in the Stipulation of Value and Surveyor's Affidavit of Michael L. Collyer.

Now on motion of Cunningham, Mechanic, Cetlin, Johnson & Harney, LLP, Attorneys for the Petitioner, it is hereby ORDERED, as follows:

1. The above-described Stipulation of Value, describing the JUSTICE (Hull ID US-BWCLA180G798) as having the value of Thirty-Five Thousand Four Hundred and Eighty-Four (\$35,484.00) Dollars and having no pending freights be and is hereby approved. A bond, surety or cash in that amount shall be duly filed with the Clerk of this Court on or before the 30th day of June, 2010.
2. A Notice shall be issued by the Clerk of this Court to all persons asserting claims with respect to which the Petition seeks limitation admonishing them to file their respective claims with the Clerk of this Court in writing, and serve on the attorneys for the Petitioner a copy thereof on or before the 26th day of July, 2010 or be defaulted, and that if any claimant desires to contest either the right to exoneration from or the right to limitation of liability, he shall file and serve on attorneys for the Petitioner an answer to the Petition so designated, or be defaulted.
3. The aforesaid Notice shall be published in *The Boston Globe*, and copies of said Notice shall be mailed, as provided by Rule F(4) of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure.
4. The further prosecution of any and all actions, suits, and proceedings already commenced and the commencement of prosecution thereafter of any and all suits, actions, or proceedings, of any nature and description whatsoever in any jurisdiction and the taking of any steps and the making of any motion in such actions, suits, or proceedings against the Petitioner, as aforesaid, or against the JUSTICE (Hull ID US-BWCLA180G798) or against any property of the Petitioner except in this action, to recover damages for or in respect to any loss, damage, or injury caused by or resulting from the aforesaid loss, occasioned or incurred on the voyage of JUSTICE

(Hull ID US-BWCLA180G798), as alleged in the Petition are hereby stayed and restrained until the hearing and determination of this proceeding.

5. Service of this Order as a restraining order may be made through the Post Office by mailing a conformed copy thereof to the person or persons to be restrained or to the respective attorneys or alternatively by hand.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge